

Document Page 1 of 3
UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Wendy Jane Rickles

Debtor

Chapter 13

Case Number 17-41246

Honorable Christopher J. Panos

STIPULATION

Stipulation entered into March 27, 2019 by and between Wells Fargo Bank, N.A. and Wendy Jane Rickles (“Debtor”) (collectively, the “Parties”).

WHEREAS, Wells Fargo Bank, N.A. is the holder of the Note and Mortgage on real property located at 32 Aylesbury Road, Worcester, MA 01609.

WHEREAS, on May 1, 2018, Wells Fargo Bank, N.A. filed a motion in the above-captioned bankruptcy case requesting relief from the automatic stay as to the real property at 32 Aylesbury Road, Worcester, MA 01609.

WHEREAS, the parties here to have reached a compromise regarding the above described controversy.

NOW, THEREFORE, the parties hereto, by their respective attorneys, hereunto duly authorized, do hereby stipulate and agree:

1. The Debtor is post-petition due September 1, 2017 to February 1, 2018 for payments of \$2,211.58 each; March 1, 2018 to April 1, 2018 for payments of \$2,380.37 each; May 1, 2018 to October 1, 2018 for payments of \$2,408.15 each; November 1, 2018 to February 1, 2019 for payments of \$2,375.80 each; and March 1, 2019 for a payment of \$2,440.72 each for a total of \$44,423.04. The Debtor agrees to cure the total amount of post-petition arrears by making the following payments:

March 28, 2019	\$30,103.32
April 15, 2019	\$2,386.62
May 15, 2019	\$2,386.62
June 15, 2019	\$2,386.62
July 15, 2019	\$2,386.62
August 15, 2019	\$2,386.62
September 15, 2019	\$2,386.62

The payments shall be in the form of good funds (bank check, certified funds, or a check drawn on Debtor's counsel's clients' trust fund account) and shall be made payable to Wells Fargo Bank, N.A. and sent directly to Wells Fargo Bank, N.A. at Wells Fargo Home Mortgage, PO Box 14507, Des Moines, IA 50306 with the loan number written on the check. Payment will be considered made on such dates if the funds are received by Wells Fargo Bank, N.A. by the close of business on those dates.

2. Starting with the payment date April 1, 2019 through September 1, 2019, Debtor in addition to the payments required by paragraph 1 herein, shall timely make the regular monthly payments directly to Wells Fargo Bank, N.A. as required by the Note and Mortgage.

3. Please note that upon Debtor failure to make either a regular monthly payment under paragraph 2 or any payment under paragraph 1, Wells Fargo Bank, N.A. or its attorney shall give written notice to the debtors and their counsel, of such failure to make timely payments pursuant to the stipulation and further advise that failure to make said payments within Seven Days after the date of such notice shall constitute a default under this stipulation.

4. **IF THE DEBTOR DEFAULTS UNDER THIS STIPULATION OR FAILS TO COMPLY WITH ANY OF THE TERMS STATED HEREIN, WELLS FARGO BANK, N.A. OR ITS ATTORNEY WILL FILE A NOTICE OF DEBTOR NON-COMPLIANCE WITH THE UNITED STATES BANKRUPTCY COURT FOR**

THE DISTRICT OF MASSACHUSETTS AND THEREAFTER, THE COURT MAY ENTER AN ORDER GRANTING WELLS FARGO BANK, N.A. AND ITS SUCCESSORS AND ASSIGNS, RELIEF FROM THE AUTOMATIC STAY AS TO THE REAL PROPERTY AT 32 AYLESBURY ROAD, WORCESTER, MA 01609. WELLS FARGO BANK, N.A. AND ITS SUCCESSORS AND ASSIGNS WILL THEN BE FREE TO EXERCISE ITS RIGHTS PURSUANT TO THE NOTE AND MORTGAGE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAW AND TO CONDUCT A FORECLOSURE SALE OF THE PROPERTY AND SUBSEQUENT EVICTION ACTION, IF NECESSARY.¹

5. No waiver by Wells Fargo Bank, N.A. of any default shall operate as a waiver of any other default or of the same default on a future occasion.

6. This Stipulation and the terms contained herein shall become void and unenforceable by either party in the event that the Debtor's bankruptcy petition is converted to any other Chapter or dismissed for any reason or as a result of the motion of any party, including, but not limited to the Debtor.

/s/ Michael E. Swain
Daniel Murphy, Esq. 559440
Elizabeth M. Abood-Carroll, Esq. 569551
Matthew Dailey, Esq. 672242
Michael Swain, Esq. 676513
Patrick Martin, Esq. 669534
Tatyana P. Tabachnik, Esq. 673236
Orlans PC
Attorney for Wells Fargo Bank, N.A.
PO Box 540540
Waltham, MA 02454
(781) 790-7800
Email: bankruptcyNE@orlans.com
File Number: 17-009411

/s/ Daniel I. Cotton
Daniel I. Cotton, Esq.
Attorneys for Debtor
Wolfson, Keenan, Cotton & Meagher
390 Main Street
Suite 750
Worcester, MA 01608
(508) 791-8181 ext 103
Fax : (508)792-0832
Email: danlcott@aol.com

¹ "Bold" and "All-Caps" per MLBR 13-16-2 (c).